

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claim 15 was previously cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 1-14 and 16-22 are pending. Claims 1 and 17-19 are amended, and claim 22 is added. Claims 1 and 17 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Examiner Interview

The Applicant appreciates the courtesies extended by Examiners Bruk Gebremichael and Kathleen Moser to the Applicants' Representatives, Mr. Takahiro Oyama of Honda Motor Co, Ltd., and Carl T. Thomsen, Reg. No. 50,786, during the interview conducted on July 10, 2008. By way of this Amendment claims 1 and 17 have been amended as discussed with Examiners Gebremichael and Moser, and are now believed to be in condition for allowance.

If, during further examination of the present application, a discussion with the Applicant's Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 4, 6, 9, 10, 12, 13, and 17-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Caprai (U.S. Patent 6,251,015) in view of Ritchie (U.S. Patent 4,637,605); and

claims 2, 5, 7, 8, 11, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Caprai and Ritchie, and further in view of Pittarelli (U.S. Patent 3,964,564).

These rejections are respectfully traversed.

Amendments to Independent Claims 1 and 17

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, each of independent claims 1 and 17 has been amended herein to recite a combination of elements directed to a riding simulation system, including *inter alia*

“a body for rotatably securing said steering handle mechanism, the body comprising a pair of left and right main frames, a centrally located main frame, and a pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend from the left and right main frames in a direction away from the operator of the simulation system; and

a control unit is mounted between said pair control unit for said system being mounted between said pair of left and right main frames”

Support for the features now set forth in independent claims 1 and 17 can be seen, for example in FIGS. 1 and 4.

First of all, as argued previously, it is difficult for the Applicant to understand how the Examiner can reasonably consider Ritchie to teach “control unit for said system being mounted between said pair of left and right main frames,” as in claim 1 as previously presented.

On page 11 of the Office Action, the Examiner has annotated FIG. 1 of Ritchie, and alleges that control unit 3 (as shown in FIG. 1 of Ritchie) “is mounted between said pair control unit for said system being mounted between said pair of left and right main frames.” The Applicant respectfully disagrees with the Examiner’s position.

The Examiner is directed to enlarged, detailed versions (FIGS. 4, 9, and 10) of the Ritchie device as shown in high-level FIG. 1. It is evident from each of Ritchie’s FIGS. 1, 4, 9, and 10, that control unit 3 is NOT mounted between the pair of main frames as the Examiner alleges. As can be seen in the Examiner’s annotated FIG. 1 of Ritchie on page 11 of the Office Action (and also FIGS. 4, 9, and 10, which are enlarged views of FIG. 1), the control unit 3 is forward of the downward extending pipes (called right and left main frames by the Examiner).

As the Examiner is fully aware, the Examiner must consider a prior art reference as a whole when making a rejection, and is forbidden from randomly citing selected portions of a reference without considering the context of the entire reference. Specifically, regarding the

present application, which the Examiner has rejected based on Ritchie, it is certainly not proper for the Examiner to selectively use the high level drawing of Ritchie's FIG. 1, while ignoring Ritchie FIGS. 4, 9, and 10, each of which explicitly conflicts with the Examiner's allegations about the structure of the Ritchie device. Thus the Examiner's rejection of claims 1 and 17 as previously presented is not proper.

Secondary, FIGS. 1 and 4 explicitly illustrate subframes 54a, 54b connected to roughly central portions of the right and left main frames 52a, 52b so as to extend from the right and left main frames in a direction away from the operator of the simulation system 10, as set forth in each of independent claims 1 and 17, as amended herein.

Pipes (called sub-frames by the Examiner in annotated FIG. 1) merely extend rearwardly toward the operator (rather than forwardly and away from the operator) from a position near upper parts (rather than being connected to central portions) of the downward extending pipes.

Thus, Ritchie cannot possibly teach or suggest "a pair of sub-frames connected to roughly central portions of the right and left main frames so as to extend **from the left and right main frames in a direction away from the operator** of the simulation system", as set forth in claims 1 and 17, as amended herein. (*Emphasis added*)

Further, as the Examiner concedes, Caprai cannot make up for the above deficiencies of Ritchie to reject claims 1 and 17 of the present invention.

At least for the reasons explained above, the Applicant respectfully submits that the combination of elements as set forth in each of independent claims 1 and 17 is not disclosed or made obvious by the prior art of record, including Caprai and Ritchie.

Therefore, independent claims 1 and 17 are in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 18 and 19 have been amended, and dependent claim 22 has been added.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Regarding Dependent Claims 18 and 19

For example, each of dependent claims 18 and 19 recites

“a forward end of the centrally located main frame disposed farthest away from the operator is connected to a cross frame bridging between tip end portions of the sub-frames”.

See FIG. 1 of the present application for support.

By contrast, Ritchie merely discloses pipes extending toward the operator, and fails to disclose a cross frame. Therefore, dependent claims 18 and 19 should be allowable.

Regarding Dependent Claim 22

As another example, added dependent claim 22 sets forth features previously presented in independent claim 17.

Added dependent claim 22 recites

“said riding simulation apparatus is adapted to be mounted on an elevated mounting surface, and

wherein said pair of left and right main frames is adapted to be secured to one side of the elevated mounting surface, and said centrally located main frame is adapted to be secured to an opposite side of the elevated mounting surface”.

See FIG. 4 of the present application for support.

By contrast, as can be seen in Ritchie FIGS. 1 and 4, this document merely discloses

- 1) steering shaft entering the top of the control box 3 or extending along a rear surface of the control box 3, and
- 2) right and left forks extending along a rear side of the control box, and
- 3) pipes extending from a rear side of the control box in a direction toward the operator.

The Examiner argues on pages 6 and 7 that “*The court found that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art*”. The Applicant respectfully submits that left and right main frames and the centrally located main frame, as claimed, are NOT ornamentation only, and instead, have a specific mechanical function, as set forth in the claim. Ritchie fails to teach or suggest the combination of elements as claimed.

Accordingly, it is believed that the Examiner’s rejection of claim 17 as previously present was not proper.

Application No. 10/776,522
Reply dated September 2, 2008
Reply to Office Action of June 16, 2008

Docket No. 0505-1268P
Art Unit: 3709
Page 15 of 16

Since the features previously set forth in claim 17 are now set forth in added dependent claim 22, added dependent claim 22 should be in condition for allowance.

All pending claims are now believed to be in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

CONCLUSION

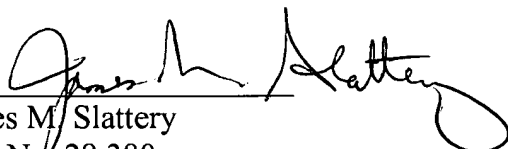
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated: September 2, 2008

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000